

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**CLEAR SKIES NEVADA, LLC,**

Plaintiff,

v.

**DOE-98.232.166.89, et al.,**

Defendants.

**MOSMAN, J.,**

No. 3:15-cv-02142-AC

OPINION AND ORDER

On March 10, 2016, Magistrate Judge Acosta issued his Findings and Recommendation [21]. On April 27, 2016, Judge Acosta issued an Amended Findings and Recommendation [29] only to correct the ECF number for the operative motion. In both, Judge Acosta recommended that Plaintiff's Amended Motion to Sever Doe 6 [16] should be DENIED and Doe 6's Motion [8] should be GRANTED in part and DENIED in part. It should be granted as to the motion to sever all Defendants except Doe 98.232.166.89. It should be denied as to the motion to quash all subpoenas. Does 6's request for attorney fees should be deferred until the conclusion of the case. Plaintiff objected to "the findings and recommendations . . . but not the outcome." (Pl. Obj. [23] at 1.)

## DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the Amended F&R [29] as my own opinion.

IT IS SO ORDERED.

DATED this 6th day of May, 2016.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
Chief United States District Judge